

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Second Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 1, 2004 - March 30, 2005

**First Special Session**

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE  
FIRST SPECIAL SESSION  
23rd Legislative Day  
Wednesday, May 25, 2005

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Paul Sullivan, St. Joseph's Catholic Church, Gardiner.

National Anthem by Maine Central Institute Vocal Jazz Ensemble, Pittsfield.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Protect Young Drivers

(S.P. 393) (L.D. 1129)

(C. "A" S-144)

**FAILED** of **PASSAGE TO BE ENACTED** in the House on May 23, 2005.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

Spenser Fitts, of the Maine Central Institute Music Program, in Pittsfield, for his numerous musical accomplishments. Spenser is a junior at MCI and began his formal musical journey in 5th grade. He plays tenor saxophone for the Instrumental Jazz Ensemble and the Jazz Combo. This was his first year as a member of the Jazz Choir. He received an Outstanding Woodwind Musician award in Division II Jazz Bands and Outstanding Male Vocalist in Division II Jazz Choirs while competing at the Maine State Jazz Festival. He was also named Outstanding Soloist-Tenor Saxophone while competing in Williamsburg, Virginia at the Music in the Parks competition. Spenser has been named to the Maine All-State Jazz Band as lead tenor saxophone player, a goal he has diligently pursued for many years. We commend Spenser on the numerous hours he has dedicated to his studies and congratulate him on his many awards;

(HLS 763)

Presented by Representative FITTS of Pittsfield.

Cosponsored by Senator GAGNON of Kennebec.

On **OBJECTION** of Representative FITTS of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you can tell, we are fortunate to have such a special kid. Spenser is quiet and focused and somewhat shy at times, except for when he is performing. I had never heard him sing before this year and was surprised when I heard him lay out a scat line for the first time. It was one of those "Where did that come from?" moments.

This year, as a junior, he auditioned for and was selected to be a member of MCI's well-known and successful vocal jazz group. He took to it so easily and obviously should have done it

sooner. He is more known and recognized for his abilities with the tenor sax. He has worked extremely hard on his musical abilities since first picking up a clarinet and beginning band in the 5th grade. His being selected as an outstanding woodwind in this year's Instrumental Jazz Festival was truly a milestone in his aspiring career.

When music is inside someone it is not easily contained and he lets it loose. He continues to stretch and his mother and I got out of his way a long time ago. We couldn't have asked anymore of him then he gives freely on his own. We are extremely proud of his efforts and successes, as are those who have seen him perform. MCI and us have him for one more year. I can't wait to see where music takes him. It is his voice and it is his way of giving others a bit of himself.

It is a rare occasion when one of us gets to stand and congratulate one of our children on a significant accomplishment, but this is such a time and I congratulate you Spenser for your awards in this year's State Jazz Festival.

Subsequently, the sentiment was **PASSED** and sent for concurrence.

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**Recognizing:**

Maine Central Institute Music Program, of Pittsfield, for its outstanding accomplishments this past year. The MCI Instrumental Jazz Combo placed 3rd in Division II Jazz Combos and the Instrumental Jazz Ensemble placed 2nd in Division III Jazz Bands at the Maine State High School Instrumental Jazz Festival. The MCI Vocal Jazz Ensemble placed 1st in Division II Jazz Choirs at the Maine State High School Vocal Jazz/Show Choir Festival. Members of the music program have also been recognized on an individual level, as 2 received honors during the competition, 2 were named to Maine's All-State Jazz Ensembles and 3 were accepted to Maine's All-State Band/Chorus. We congratulate the Maine Central Institute Music Director, Dean Neal, for his excellent leadership, knowledge and unyielding support of the young men and women in this exemplary program;

(HLS 764)

Presented by Representative FITTS of Pittsfield.

Cosponsored by Senator GAGNON of Kennebec.

On **OBJECTION** of Representative FITTS of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you have heard today hard work pays off. Under the direction of Mr. Dean Neal, the successes of this energetic and inspiring music educator and his students are numerous and to be admired.

Over the past eleven years the MCI vocal ensemble has finished no less than second in the Maine State Vocal Jazz Festival and as we have heard they were selected first place in this year's festival. MCI has produced several individual outstanding vocalists, two of whom we are recognizing today. The accomplishments of the MCI instrumental jazz program are equally impressive. Many students who participate put in long hours practicing and rehearsing, though many will never play their respective instruments beyond high school. Their commitment is to be admired and what they gain from their effort is a love and understanding of many musical styles, which they carry forward, with or without an instrument in their hands.

Dean has been part of Maine's music scene going back to his years at Nokomis High School in Newport then at the University of Maine and now as a statewide leader in music education and

particularly, jazz and music education at MCI. His ability to find and nurture the talent from the students of central Maine is well known regionally and nationally. This is truly a locally grown resource, which we can be proud of.

As Dean and his students travel throughout Maine, the nation and beyond they are great ambassadors of their school and this state. They are an example of where the best dollars are spent when we allocate funds to the various schools of the state and what can be achieved with that spending. I take this opportunity to congratulate them for their effort and thank them for the style with which they carry themselves.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Hall.

Representative HALL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to rise very briefly to congratulate my friend and high school band member Dean Neil. As many of you know the good Representative from Newport, Representative Tardy and myself were members of the jazz band at Nokomis Regional High School that Dean also was a member of and I would just like to add my personal congratulations to him.

I know that when I was at Nokomis there were big rivalries with MCI in sports – baseball, basketball – but there was no rivalry with the music program because their music program was pretty much non-existent. Dean has done a fantastic job showing up where there was almost nothing and coming to the point where they are winning state championships. It just goes to show the love of music that Dean has and how he has been able to spread that to the students. I just want to say congratulations. Thank you.

Subsequently, the sentiment was **PASSED** and sent for concurrence.

**Recognizing:**

Kate Zarolinski, of the Maine Central Institute Music Program, in Pittsfield, for her numerous musical accomplishments. Kate is a senior at MCI and has been a member of the singing group during her 4 years at the school. She also plays the piano for the Instrumental Jazz Ensemble. She received an Outstanding Female Vocalist award in Division II Jazz Choir at the Maine State High School Vocal Jazz/Show Choir Festival. She was named to the All-State Honors Jazz Choir, the 4th year she has qualified for this top State ensemble. She was also accepted to Maine's All-State Jazz Ensemble and Maine's All-State Band/Chorus. We commend her on the many years of hard work and dedication she has committed to her music studies. We extend our best wishes to Kate as she continues with her studies at Syracuse University's Music Theater program;

(HLS 765)

Presented by Representative FITTS of Pittsfield. Cosponsored by Senator GAGNON of Kennebec.

On **OBJECTION** of Representative FITTS of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief so that you do not command me to On and On and On.

If you will indulge me one more time I rise, again, to formally congratulate Miss Kate Zarolinski for her accomplishments, not only this year but through all of her years at MCI. Kate was the soloist in today's National Anthem. As we have heard she has a significant resumé of successes to which she should be very,

very, very proud. Those who have been fortunate enough to have seen her perform whether at a drama festival, local musical or at one of the honors festivals where she had been selected with the MCI music program, most especially, the vocal jazz group, they have had the good fortune of seeing a rising star. She is a leader and recently she successfully directed MCI's spring drama performance as her senior project. Her personality boils over and is infectious. She is simply a great kid and an outstanding young woman. Syracuse University is fortunate to have her as an incoming freshman and though our community will miss her next year I have no doubt that we will hear from here again soon.

Subsequently, the sentiment was **PASSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

**Recognizing:**

the Deer Isle-Stonington Elementary School K-3 and K-6 chess teams on winning the 2005 Maine State Scholastic Chess Championships for their sections. We extend our congratulations and best wishes to the following team members: K-3 players Eric Babbitt, David McManus, Andy Turner, Lucas Oliver, Ivan Zemrusky, Walter Kumiega, Tyler Robbins, Doug Heanssler, Tyler Bartlett, Sasha Zemrusky, Cameron Wendell and Zach Chmiel; K-6 players Ian Pelletier, Andrew Babbitt, Sam Grindle, Hayden Ciomei, Goldie Garcia, Connor Morey, Chelsea Brown, Janelle Ciomei, Nathan Davis, Nick Eaton, Alec Eaton and Jacob Starkey; and coaches Dick Powell and Mark Woida;

(HLS 772)

Presented by Representative PINGREE of North Haven. Cosponsored by Senator DAMON of Hancock.

On **OBJECTION** of Representative PINGREE of North Haven, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-223)** on Bill "An Act To Limit the Political Activity of the Members of the Commission on Governmental Ethics and Election Practices"

(S.P. 247) (L.D. 749)

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

PINKHAM of Lexington Township

VALENTINO of Saco

PATRICK of Rumford

TUTTLE of Sanford

HOTHAM of Dixfield

MOORE of Standish

BLANCHETTE of Bangor

BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-224)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

OTT of York

Representative MOORE of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-223)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223)**.

**READ.**

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This was a small bill that came before the Committee on Legal and Veteran's Affairs and it involved the members in the Commission of Government Ethics and Election Practices.

The bill itself prohibits any political activity in the way of fundraising or the endorsement of candidates and the amendment allowed three exceptions. The first was any campaigns that involved county officials or county elected members, elections that involved municipal candidates and any non-federal elections that occur outside of the State of Maine. In my opinion the exceptions did not go far enough.

It is difficult at times to obtain people to serve on this commission and those who do serve, at least as past history has indicated, come from a variety of backgrounds, but are very well schooled in the areas of politics and government affairs. In being that type of person, they are inevitably going to be involved in some type of political activity and I would say in that it would be in the State of Maine.

I am suggesting that the limitations that were placed on this by the committee amendment be expanded to include the right and privilege to be able to participate in fundraising activities or endorsements of candidates that involve federal elections within the State of Maine. I would ask that you defeat the pending motion so that we can go on and consider the small edition in the Minority Report. I also request a roll call. Thank you Mr. Speaker.

Representative OTT of York **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from York, Representative Ott is correct. We had some great dialogue on the committee. The only difference is that the majority of the members agreed with the committee report. The report was actually an 11 to 2 report in favor of the committee amendment and I would just urge everyone to support the 11 to 2 report.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a short response. Basically,

what we are doing if we pass this bill in its current form is to disenfranchise any members who might be starting on that commission from engaging in any activities that involves federal elections within our state boundaries. I think that goes too far and I would urge the body to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just very briefly, as the good Representative from York has explained to you the difference in the amendments, the Majority Amendment does include ballot measures and it exempts out of state and non-federal elections. I guess where we got into a difference was that the Majority Report also should include federal elections.

There were some concerns a year ago in this area and the majority felt that serving on the commission should also include not allowing that to occur again. It is minor, but we are hoping that the people we get to serve on the Ethics Commission be above any reproach and historically we have always done that. It has always worked well, and I hope that we could continue that.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 198**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Churchill, Clark, Clough, Crosby, Cummings, Davis G, Duchesne, Dudley, Dugay, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McKane, McKenney, Merrill, Miller, Mills, Moody, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson E, Richardson W, Rines, Sampson, Saviello, Smith N, Smith W, Stedman, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bryant-Deschenes, Carr, Cebra, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, McCormick, McFadden, McLeod, Millett, Moulton, Muse, Ott, Richardson D, Richardson M, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Craven, Daigle, Driscoll, Dunn, Greeley, Moore G, Plummer, Schatz.

Yes, 95; No, 48; Absent, 8; Excused, 0.

95 having voted in the affirmative and 48 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-223)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 26, 2005.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Implement the Recommendations of the Commission To Study Public Health"

(H.P. 112) (L.D. 134)

Signed:

Senators:

MAYO of Sagadahoc  
MARTIN of Aroostook  
ROSEN of Hancock

Representatives:

PINGREE of North Haven  
WEBSTER of Freeport  
SHIELDS of Auburn  
CAMPBELL of Newfield  
LEWIN of Eliot  
GLYNN of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-480)** on same Bill.

Signed:

Representatives:

WALCOTT of Lewiston  
GROSE of Woolwich  
MILLER of Somerville  
BURNS of Berwick

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

On motion of Representative PINGREE of North Haven, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 155) (L.D. 204) Bill "An Act To Protect Dogs That Are Left Outside" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-484)**

(H.P. 729) (L.D. 1076) Resolve, To Recognize Alton as a Host Community with Regard to the West Old Town Landfill Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-490)**

(H.P. 751) (L.D. 1098) Resolve, To Establish Energy Standards for Residential Rental Properties Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-487)**

(H.P. 1006) (L.D. 1442) Bill "An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-486)**

(H.P. 1161) (L.D. 1648) Resolve, Directing the Department of Inland Fisheries and Wildlife To Coordinate and Facilitate Salmon and Brook Trout Habitat Restoration Efforts Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-483)**

(H.P. 1166) (L.D. 1652) Bill "An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-493)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** as Amended and sent for concurrence. **ORDERED SENT FORTHWITH.**

#### BILLS IN THE SECOND READING

##### House as Amended

Bill "An Act To Restore Funding for the Reading Recovery Program"

(H.P. 1138) (L.D. 1615)  
(C. "A" H-464)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

The following items were taken up out of order by unanimous consent:

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-385)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Concealed Firearms Permits"

(H.P. 624) (L.D. 874)

TABLED - May 18, 2005 (Till Later Today) by Representative BLANCHETTE of Bangor.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative BLANCHETTE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative SYKES: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Not a complicated and not a long bill, the Majority Report which has an Ought Not to Pass Motion on it, speaks to concealed weapons permits and makes a proposed change. If I could just talk with you just a little bit about the concealed weapons permit process?

There are qualifications that you have to have completed before you can get a concealed weapons permit and the Department of Public Safety is allowed to enter into a reciprocal agreement - currently with two states - if you have a concealed weapons permit in the state of Maine. The Department of Public Safety may enter into an agreement with two other states, so that you your concealed weapons permit is good in those two other states.

The bill - in which there is an Ought Not to Pass Motion - seeks to change that in two ways. The first way is to allow a reciprocal agreement with any other state as long as those other states meet or exceed the qualifications to get a concealed weapons permit. Right now, a concealed weapons permit requires that the applicant be eighteen years of age, have good moral character, have no criminal record, have no drug involvement and no history of mental illness and they must demonstrate proficiency and knowledge of the weapon.

As I said this bill seeks to allow the Department of Public Safety to enter into reciprocity agreements with any other state and does one other thing. It removes the good moral character clause from those qualifications. I believe that the State Police should be allowed to enter into a reciprocal agreement with any other state, but I do not believe that we should remove the good moral character clause. So, I am not really in favor of this bill as

it is proposed, but I believe that we should allow the State Police to enter into that reciprocal agreement with any other state, leave the good moral character clause in there – which is exactly what the Minority Report does. It keeps the good moral character clause and allows the State Police to enter into a reciprocal agreement with any other state.

I know that the state police would say that we really don't want to do that because it reduces some of their funding from the fees for the concealed weapons permit, but what it really does is hurt the Maine citizen who has a concealed weapons permit and wishes to have that reciprocal with any other state, again, that meets or exceeds, the standards for the State of Maine. Those are pretty tough standards and we are not going to get a reciprocal agreement with every other state. There are plenty that meet that, but I think we ought to give that opportunity so I urge you to defeat the Ought Not to Pass and move on to the Minority Report, which simply opens up to a reciprocal agreement with any other state. Mr. Speaker I request a roll call. Thank you

Representative SYKES of Harrison **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It bothers me to be standing up here and speaking in opposition to my good friend Representative Sykes, but I need to say that this bill is not about reciprocal agreements with other states.

The Maine State Police and the Department of Public Safety, for many, many years, have tried to enter into reciprocal agreements with other states and they have not found two other states that have the conformity laws that the State of Maine has on concealed weapons.

When you leave the State of Maine and you drive through the State of New Hampshire and head into Massachusetts you are not allowed to have any gun, concealed weapons permit or not. Massachusetts has very, very strict laws on that, but even they will not enter into a reciprocal agreement with us.

This is not a gun bill. I mean, we have had SAM before us, I had talked to them and I have received telephone calls from SAM and NRA members. This is not about gun control in any way, shape, form or stretch of anybody's imagination. What this is about is safety for the people that come across the borders into the State of Maine. The State Police and your local police department have a right to know who is carrying, where they are carrying and under what conditions. Without a reciprocal agreement with other states we have no idea if they are meeting our safety standards or not.

The good moral character clause in this is a vital, vital part of public safety. Good moral character, as defined by the Department of Public Safety, is someone with a history and tendency toward violence that has never been convicted of that in a court, but is known. We all have them. I don't care where you come from. Whether you come from Frenchville or down on the very, very border of New Hampshire, you all have, within your communities, bad actors. These are the people that might decide to apply for a concealed weapons permit and without a court conviction, although they are known to be volatile individuals, without that clause would be given a concealed weapons permit to carry. This scares me. It also scares the Department of Public Safety. When I had the Department of Public Safety Lieutenant Fleming come and testify in opposition to this bill he said that local control has some concerns. The chief of police in your

community or the sheriff in your county is not in control and able to deny, for questionable moral character. We may find ourselves in trouble and I am going to urge you to follow the majority Ought Not to Pass Bill and put this to bed. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to disagree with my good friend Representative Blanchette from Bangor. This is a gun bill.

I don't think the State of Maine needs any more gun bills. She mentioned the word Massachusetts. Massachusetts, New York and Washington are probably the three most dangerous places to live and you can't get a gun in Massachusetts no matter how good you are.

I have a permit to carry concealed in Maine and New Hampshire. I found myself in 1991 in the State of Vermont, right over the boarder on business for a couple of weeks, with a loaded gun. I went to the State Police barracks in Vermont and the sergeant came out and looked at me and said that you can have anything you want in the State of Vermont as long as you are not a felon and if you are a felon than we are going to come and get you. There is no law in the State of Vermont. No gun laws whatsoever. You can carry it concealed, you can carry it open, you can carry as many as you want and Vermont is one of the safest states in this country to live in and so isn't Maine and New Hampshire.

You, on the other side of the aisle, let me tell you something, you got a new leader and I don't mean Pat Caldwell, I mean former Governor Howard Dean and one morning on Meet the Press when he was running for president he was looked in the eye and asked if it was true that you have no gun laws in the State of Vermont and Governor Dean looked back and said that is correct and we intend to keep it that way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very quickly I just want to remind you that I support keeping the good moral character clause, which is what the Minority Report does, the only thing that that does if we move on to it, is to expand the reciprocity possibilities to any state and not limit it to two. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Kaelin.

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a concealed weapons permit also and I think that I would like to see us defeat this motion and go onto the Minority Report. There is no reason why we should take the pressure off of the Department of Public Safety to increase our opportunity to have reciprocity as we travel around this country.

Most of the people that have concealed weapons permits are some of the most law-abiding citizens that we have in the state. You have to be to get the permit and one thing that I wanted to try and clarify that the good Representative from Bangor, Representative Blanchette said is that when you go through Massachusetts all you have to do is let them know that you are coming and that you have a concealed permit in Maine and you can get a permit or agreement by the state police to be able to carry down there too. So, I think we need to defeat this motion and go onto the Minority Report and protect the interests of our law-abiding citizens that carry in the state of Maine. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a tough position to be in and I hate to be going against my good Chair of Criminal Justice and Public Safety, but what the Representative from Harrison, Representative Sykes spoke about in the Minority Report from the original bill, I feel, is very correct.

The reason why is that there was a pilot project that was passed two years ago for the Maine State Police to look at two other states that had stricter, or as strict requirements as the State of Maine for concealed weapons as a pilot project. That did not happen as far as reciprocity. This amendment that will be offered if this is defeated is only the same thing but removes the two of the other states. The good moral character issue will stay in current law. The original bill did remove that, but the Minority Report will not so I will be voting against this amendment and will be voting for the Minority Report if I get a chance to. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not going to delay this debate because I believe you all have probably locked into how you feel about this, but I just need to clarify something.

I have, in this term, in the 122nd, voted against gun control bills for the simple reason that I have done my homework. I have looked at the problems and there are no problems with Maine residents and the safety aspect of how they carry, respect the law and how they respect each other. That is not my concern. I am not worried about that. What I am worried about is that if we open the borders and we let any Tom, Dick and Harry from any state around the country come in here carrying a concealed weapon that doesn't meet our requirements we cannot know what we are facing. Think about it.

Maine has a wonderful, wonderful safety record with not only assault weapons, but with hunting rifles, handguns or any other weapon you want to name. Why, because our public safety department holds our people to higher standard than any other states in the United States. Please, I am asking you for the safety that we enjoy, and the freedoms that we cherish within this state, to support the Majority Ought Not to Pass Report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel as though if Vermont can let any Tom, Dick and Harry in and that they are one of the safest states in the country, then I think our record won't be blemished whatsoever. I think every Tom, Dick and Harry that shouldn't be carrying a concealed weapon and wants to carry it in Maine, will be carrying it.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a transplanted, gun toting Bubba from Vermont I would like to have something to say. I have heard my state mentioned a couple of times.

First of all, I wasn't going to mention this, but I believe I will. If you want to carry a concealed weapon in Vermont during deer season then you are going to go to jail if they catch you doing it because that is where they do have a law. You cannot carry a concealed weapon during deer season, but it is very true that we can carry concealed weapons the rest of the year.

Now, Vermont has about half a million people or a little bit less. It used to be intelligent people until flatlanders decided they would like to build houses on the side of all those pretty hills.

If you beat your wife up Saturday morning, drag her around the house by the head of her hair and plunk her down in the kitchen to cook you dinner Saturday night you can still keep the concealed weapons permit, but in the State of Maine you can't. In the State of Vermont, if you want to go out and shoot condensers off of the telephone poles on Sunday afternoon then you can do that and you can keep your concealed weapons permit. You can actually be foolish if you want and keep carrying that concealed weapon because they don't have the permit process over there since they have hardly any people.

They don't have Portland, they don't have Lewiston, they don't have Bangor, they don't have Augusta, they don't have cities over there, they have nice little villages where we all know each other and we all know who is foolish with a gun and we all know who is not. Now, I never thought that I needed to have a concealed weapons permit because I never thought that I needed a concealed weapon. I always thought that when I go hunting in the woods that is what I normally used the weapon for. I keep it in front of me where I can use it. If it is tucked in my back pocket and I have got to play quick draw with the deer,, he usually wins.

I am going along with the Minority Report because I believe that there is a thing called good moral character in our concealed weapons permit for a reason. The State Police, the local police and the people that give out the concealed weapons permits pretty much know who they are giving them to and I see no problem giving a concealed weapons permit to a person of good moral character.

This is not a gun bill as Representative Blanchette from Bangor mentioned. This is a paper bill. We are not saying that you can't have a weapon. We are saying that you can't have a piece of paper that says you can keep it concealed so that the state and local police in Maine can know who has those. So, it's not truly a gun bill.

I have seen a lot of gun bills come and I have seen a lot of gun bills go and this is a paper bill. So, I would hope that people would follow the good Representative Sykes and myself and watch our lights and vote accordingly. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that Vermont actually has some of the most authoritative laws. It grants the attorney general exclusive rights to control guns in Vermont and secondly, Vermont does exclusive background checks on anyone who applies for a gun. Thank you very much Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be supporting the Majority Ought Not to Pass Report and I would like to remind members of the body that O.J. Simpson has never been convicted of a crime, but I certainly wouldn't want him having a concealed weapons permit in our state. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.



**ROLL CALL NO. 199**

YEA - Adams, Babbidge, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Cummings, Dudley, Dunn, Eberle, Eder, Faircloth, Farrington, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Norton, O'Brien, Paradis, Pelletier-Simpson, Percy, Perry, Pilon, Pingree, Piotti, Rines, Sampson, Smith N, Smith W, Twomey, Valentino, Walcott, Watson, Webster, Woodbury.

NAY - Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duchesne, Dugay, Duplessie, Duprey, Edgecomb, Emery, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Patrick, Pineau, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Vaughan, Wheeler, Mr. Speaker.

ABSENT - Craven, Daigle, Driscoll, Moore G, Plummer, Schatz.

Yes, 52; No, 93; Absent, 6; Excused, 0.

52 having voted in the affirmative and 93 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the **Minority Ought to Pass as Amended** Report.

Representative DUDLEY of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the **Minority Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 200**

YEA - Adams, Annis, Ash, Austin, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duchesne, Dugay, Duplessie, Duprey, Edgecomb, Emery, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Patrick, Pineau, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Vaughan, Wheeler.

NAY - Babbidge, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Cummings, Dudley, Dunn, Eberle, Eder, Faircloth, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hutton, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Norton, O'Brien, Paradis, Pelletier-Simpson, Percy, Perry, Pilon, Pingree, Piotti, Rines, Sampson, Smith W, Twomey, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

ABSENT - Craven, Daigle, Driscoll, Moore G, Plummer, Schatz.

Yes, 97; No, 48; Absent, 6; Excused, 0.

97 having voted in the affirmative and 48 voted in the negative, with 6 being absent, and accordingly the **Minority Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-385)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 26, 2005.

An Act To Support Animal Welfare

(H.P. 129) (L.D. 178)

(C. "A" H-329)

**TABLED** - May 19, 2005 (Till Later Today) by Representative **DUPLESSIE** of Westbrook.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative **PIOTTI** of Unity, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-329)** was **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "A" (H-444)** to **Committee Amendment "A" (H-329)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-329)** as Amended by **House Amendment "A" (H-444)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-329)** as Amended by **House Amendment "A" (H-444)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-131) - Minority (6) Ought to Pass as Amended by Committee Amendment "B" (S-132) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Plumbers' Examining Board To Adopt the International Plumbing Code

(S.P. 373) (L.D. 1056)

- In Senate, **Minority OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-132)**.

**TABLED** - May 23, 2005 (Till Later Today) by Representative **SMITH** of Monmouth.

**PENDING** - Motion of same Representative to **ACCEPT** the **Minority OUGHT TO PASS AS AMENDED** Report.

Subsequently, the **Minority Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "B" (S-132)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, May 26, 2005.

Bill "An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol"

(H.P. 738) (L.D. 1085)  
(C. "A" H-455)

TABLED - May 24, 2005 (Till Later Today) by Representative RINES of Wiscasset.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative RINES of Wiscasset, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-455)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-485)** to **Committee Amendment "A" (H-455)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a technical amendment from the bill in its second reading. It doesn't change the bill it just makes it consistent with other language. Thank you.

Subsequently, House Amendment "A" (H-485) was **ADOPTED**.

**Committee Amendment "A" (H-455) as Amended by House Amendment "A" (H-485)** thereto was **ADOPTED**.

Representative **TARDY** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To anyone who would care to answer, as I remember when this bill was being deliberated on in committee, which calls for the posting of notices on the premises of those who sell alcohol, there was a great deal of discussion about who would furnish the notices and, as I recall, in the committee the department agreed that they would provide the notices. There was also a great deal of discussion about the level of fines and I thought that at one point in time the fines had been greatly reduced. Yet while I look at the amendment there seem to be significant fines, particularly in the second and third instances and I wonder if a member of the committee would address how it was that these fines managed to stay in the bill at such high levels and whether the department is still providing the signage necessary to the retailers? Thank you.

The **SPEAKER**: The Representative from Sanford, Representative Bowles has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Department of Public Safety isn't here to strong-arm people. We had plenty of discussion with the committee and the various entities that you have to have something in place in case, but the idea of the fines is a great sign of a deterrent. It was a great idea and the only reason the fines were still there is in case someone blatantly decides to take them down. I think some the discussion was what would happen if it fell down from coming untapped or something like that. This whole thing was for an educational

standpoint and it is not actually going to be a punitive thing. I think the first fine is not less than \$50.00.

I don't even think we are looking to fine people. I think there is going to be an awful lot of leeway and I think the department said that, but you could have up to a \$200 fine, which would be a lot or a little store, but this isn't what we are looking for as a punitive action. We believe that the educational value in the stores will make everyone probably agree that you have to have something in there and I do believe that the signs are going to be provided through the department.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Also, a clarification point on that, in the original bill there was no clarification point that was put in there. The opponents that testified at the time since that was left open thought it was ambiguous and that this could have been treated as a Class C crime with a possible fine of up to \$1000 on it and the committee clarified that that is not what is in this bill. The only thing is that now it is a civil infraction and it is the exact same fine that we had as far as the cigarettes go. So, if you don't have the sign posted for the under 18 cigarette sales it carries a civil penalty and the fines are \$50.00 - \$200.00 so this incurs the exact same thing that we are doing for the cigarettes. We have changed that so that we have reduced that down and that is why it was put in just to correlate with what we are currently doing under state statute for not having the sign up for cigarettes.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Bryant-Deschesne.

Representative **BRYANT-DESCHENES**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **BRYANT-DESCHENES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to ask the good Representative from Rumford why, if we are concerned with education and not concerned with finding the unwary, then why are we not going with the Minority Report, which goes along with the signage, but does not have a fine attached to it?

The **SPEAKER**: The Representative from Turner, Representative Bryant-Deschesne has posed a question through the Chair to the Representative from Rumford, Representative Patrick. The Chair recognizes that Representative.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would say that the Majority decision actually reduces the fine. The original fine was a lot more substantial in nature.

Another question that did arise from this aspect that I think should be noted for those that are worried about overburdening the stores with signs was that it was asked of Public Safety if it was demanded by Public Safety, to have four educational signs on there. That is one of the things that I had always heard on a lot of debate from the floor, that it was mandatory that you have all of these signs and they said no. They said a lot of the signs there are equal opportunity employment and stuff like that.

I think you could let them go for free all the time and just let them come back and waste the department's money, but once in a while if there are some offenders - and I think most the mom-and-pop stores are great people - you'll get that just snub the law so you have to have a little something in there just to make sure that they comply.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think we all would agree that education of the public is a good thing and nobody has any interest in doing away with the effort to have these signs put in the stores. I am, however, concerned about the impact on the small retailers, particularly the mom-and-pop stores who are not cognizant of every law that we pass here. All we are doing is setting these people up to be fined for something that they probably aren't even going to be aware of.

I am sure that if the signs are provided these people are going to make a good faith attempt to put them up and they will be available. I don't think that we need to whack them with a fine.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If we pass this legislation without any type of a penalty then there would be no teeth to it to pass it at all. It would simply just be voluntary and we would need no statute for it. We did not want to tie this into the liquor license or anything for not posting a sign, but it is just a small fine as far as \$50.00. I would think that anybody who did not have the sign up and paid the \$50.00 would always make sure that they had their sign up. We are providing the signs for free to these people and we are just trying to let people know that there are very stiff fines that are out there if they sell to under age people. So, if you strip the provision for any type of penalty than there really are no teeth to the bill at all for enforcement on it, because we need to give the tools to the people who are enforcing this to go out and to also let the owners know that they really need to put the sign up. We are not trying to hurt the small businesses at all with this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The group in my area of the Saint John Valley called Community Voices is all high school kids under the age of 18 and has been doing this in the Saint John Valley for quite a number of years. They asked me to introduce this bill. They have had a lot of experience with it and all of the stores that have been asked in the Saint John Valley, except for one, was willing to do this and thought it was a great idea. Some of them reported that after they actually had them up in the stores it was deterring some people from buying alcohol for younger people.

After we had the hearing in the Legal and Veteran's Affairs Committee the one store in the Saint John Valley that had not wanted to put the sign up actually decided that they would because they heard the testimony, thought it was a good idea and wanted to be involved also. It was never my intent to do anything to harm small businesses.

Like I said, mostly all of the stores in the Saint John Valley area have done it willingly thinking that it was a good cause and a way to let people know that underage drinking can sometimes lead to injury and death. I think the idea of the fines was to be consistent with the signs for smoking and I don't think that our laws on having signs up for cigarettes have needlessly hurt any small businesses and I don't believe that this bill is actually going to hurt any small businesses.

We are giving them the signs. We are going to give them the opportunity to put them up and I am sure that if they fall down and the inspector does happen to come in they are not going to jump on them or anything like that. We just want adults to know

that if they buy alcohol for juveniles under the age of 21 years old and they are involved in an accident that leads to death than you can be severely punished for that. Having young children of my own I want people to know ahead of time that if they are out there buying alcohol for them then there is going to be a penalty if something happens to them.

I think that it is a public safety thing. We didn't intend to hurt small businesses. We haven't hurt small businesses in the past with cigarette signage and I don't believe that this is going to do anything to hurt them so please support the 12-1 Majority Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this piece of legislation.

It isn't often that we get to help reinforce personal responsibility and that is what this does. It reminds everyone that is out there buying alcohol for underage drinkers that there is a fine for that and that you are responsible, personally responsible for that. I can tell you as a father of a young woman who is about to graduate from high school this year, I want them to know that there is a fine associated with what they are about to do and if we don't put a little bit of teeth in this they are not going to put that sign up. You can lead the horse to water, but you can't often make them drink. But, at least offer them the opportunity. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 201**

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Emery, Faircloth, Farrington, Fischer, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Millett, Mills, Moody, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson E, Richardson M, Richardson W, Rines, Sampson, Saviello, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Berube, Bierman, Bishop, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duprey, Eder, Edgecomb, Finch, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Moulton, Richardson D, Robinson, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Daigle, Driscoll, Fisher, Moore G, Plummer, Schatz.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-455) as amended by House Amendment "A" (H-485) thereto and sent for concurrence.**

The Chair laid before the House the following item which was TABLED and today assigned:

**TABLED AND TODAY ASSIGNED**

An Act To Create Freedom of Citizen Information Regarding Ballot Questions

(H.P. 648) (L.D. 929)  
(C. "A" H-412)

TABLED - May 24, 2005 by Representative PATRICK of Rumford.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative PATRICK of Rumford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-412)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-503)** to **Committee Amendment "A" (H-412)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-412)** as Amended by **House Amendment "A" (H-503)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-412)** as Amended by **House Amendment "A" (H-503)** thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

**ENACTORS**

**Emergency Measure**

An Act To Improve the Surety Bond Requirement for Small Payroll Companies

(H.P. 466) (L.D. 633)  
(C. "A" H-417)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Provide Access to Maine's Resources to Certain Veterans

(S.P. 204) (L.D. 649)  
(C. "A" S-197)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Amend the Maine Health Data Organization Statutes and To Extend the Operation of the Maine Health Data Processing Center

(H.P. 942) (L.D. 1359)  
(C. "A" H-422)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Regarding the Commission on Governmental Ethics and Election Practices

(S.P. 573) (L.D. 1599)  
(C. "A" S-205)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission

(H.P. 969) (L.D. 1392)  
(C. "A" H-420)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97 - Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1143) (L.D. 1620)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 1144) (L.D. 1621)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and

0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

(H.P. 505) (L.D. 710)  
(C. "A" H-381)

**Acts**

An Act To Amend the Maine Consumer Credit Code - Credit Services Organizations

(S.P. 222) (L.D. 686)  
(C. "A" S-198)

An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax

(H.P. 682) (L.D. 972)  
(S. "A" S-214 to C. "A" H-191)

An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices

(H.P. 798) (L.D. 1155)  
(C. "A" H-413)

An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places

(H.P. 799) (L.D. 1156)  
(C. "A" H-421)

An Act Pertaining to the Use of Muzzle-loading Firearms during Muzzle-loading Deer Season

(H.P. 884) (L.D. 1287)  
(C. "A" H-433)

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

(H.P. 944) (L.D. 1361)  
(C. "A" H-428)

An Act To Protect Use of Municipal Seals

(S.P. 479) (L.D. 1380)  
(C. "A" S-202)

An Act To Amend Dental Hygienist Licensing Requirements

(H.P. 962) (L.D. 1385)  
(C. "A" H-418)

An Act Regarding National Forests

(S.P. 484) (L.D. 1395)  
(C. "A" S-212)

An Act To Protect the Integrity of Maine State Housing Authority Funds

(H.P. 1009) (L.D. 1445)  
(C. "A" H-429)

An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry

(H.P. 1013) (L.D. 1449)  
(C. "A" H-351; H. "A" H-436; S. "A" S-190)

An Act To Permit the Department of Health and Human Services To Charge Fees to Homestead Facility Residents

(H.P. 1049) (L.D. 1492)  
(C. "A" H-423)

An Act To Implement the Fund for the Efficient Delivery of Local and Regional Services

(H.P. 1155) (L.D. 1637)  
(C. "A" H-432)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**Resolves**

Resolve, Regarding Clinical Trials of Pharmaceuticals, Treatment Options and Medical Devices

Resolve, To Direct the Public Utilities Commission to Examine Issues Related to the Collection of Certain Fees on Prepaid Wireless Telephone Services

(H.P. 982) (L.D. 1418)  
(C. "A" H-419)

Resolve, Directing the Judicial Compensation Commission to Examine Allowing Judges To Receive Service Credit for Prior Legislative Service

(H.P. 1033) (L.D. 1470)  
(C. "A" H-427)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-489)** on Bill "An Act To Protect Children from Toxic Chemicals in Schools"

(H.P. 800) (L.D. 1157)

Signed:

Senator:

COWGER of Kennebec

Representatives:

KOFFMAN of Bar Harbor

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

MARTIN of Aroostook

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal

TWOMEY of Biddeford

**READ.**

Representative Koffman of Bar Harbor moved the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment turns the bill into a resolve. The original bill called for a \$.30 per container fee at the wholesale level to raise resources to remove hazardous chemicals from our schools. I won't get into the details and the merits of the original bill or the problem that we are trying to solve, but there is a problem there.

What this Resolve does is require the Department of Education and the Department of Environmental Protection to work collaboratively to resolve and remove the threats posed to children and staff in schools and to report back to us the program that they intend to implement in order to accomplish that.

As we learned it is already in statute that schools are supposed to remove old and unmanaged inventory of hazardous and volatile chemicals. So, we are going to give it a year and

then a report will come back to our committee. I was not particularly in favor of this approach frankly, but I am accepting it and the majority of our committee accepted it. If the two departments are not able to Resolve this than we will find other means to do it. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise only to clarify a couple of points. I think that the title of the bill should have been changed along with adding the resolve to it. I would hate to have anybody think that the good Senator from Aroostook and the good Senator from Androscoggin and the good Representative from Biddeford and myself would not be interested in doing something to protect children. The fact is that the law has been in place for schools to take care of these chemicals since 1991 and they haven't done it in many cases. The Aroostook schools had done this earlier on their own volition. So, I only rise to point out that the title should have been changed and it was not. Thank you Mr. Speaker.

Subsequently, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-489) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Thursday, May 26, 2005.

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Majority Report of the Committee on LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (H-492) on Bill "An Act To Promote Stability in Labor Relations"

(H.P. 776) (L.D. 1123)

Signed:

Senators:

STRIMLING of Cumberland  
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren  
DRISCOLL of Westbrook  
JACKSON of Fort Kent  
HUTTON of Bowdoinham  
TUTTLE of Sanford  
CLARK of Millinocket

Minority Report of the same Committee reporting Ought Not to Pass on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden  
DUPREY of Hampden  
CRESSEY of Cornish  
HAMPER of Oxford

READ.

On motion of Representative SMITH of Van Buren, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-492) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Thursday, May 26, 2005.

(S.P. 430) (L.D. 1251) Resolve, To Establish a System for Verification of Proficiency for Prelingually Deaf Candidates for Teacher Certification Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (S-235)

(S.P. 441) (L.D. 1261) Bill "An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine" Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (S-239)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were PASSED TO BE ENGROSSED as Amended in concurrence. ORDERED SENT FORTHWITH.

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## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (S-237) on Bill "An Act To Strengthen the Penalties for Sales to Minors or Purchases by Minors of Alcoholic Beverages"

(S.P. 311) (L.D. 903)

Signed:

Senators:

DIAMOND of Cumberland  
CLUKEY of Aroostook  
NUTTING of Androscoggin

Representatives:

BLANCHETTE of Bangor  
PLUMMER of Windham  
HANLEY of Gardiner  
GREELEY of Levant  
CHURCHILL of Washburn  
GERZOFISKY of Brunswick  
SYKES of Harrison  
GROSE of Woolwich  
PARADIS of Frenchville

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "B" (S-238) on same Bill.

Signed:

Representative:

DAVIS of Augusta

Came from the Senate with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237).

READ.

On motion of Representative BLANCHETTE of Bangor, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-237) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Thursday, May 26, 2005.

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## SENATE PAPERS

Bill "An Act To Clarify Entities Eligible for Funding by the Maine Health and Higher Educational Facilities Authority" (EMERGENCY)

(S.P. 628) (L.D. 1683)

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## CONSENT CALENDAR

### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

Came from the Senate, REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed.

REFERRED to the Committee on HEALTH AND HUMAN SERVICES in concurrence.

## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on LEGAL AND VETERANS AFFAIRS reporting **Ought Not to Pass** on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

(H.P. 62) (L.D. 66)

Signed:

Senators:

PLOWMAN of Penobscot  
MITCHELL of Kennebec  
GAGNON of Kennebec

Representatives:

FISHER of Brewer  
OTT of York  
PINKHAM of Lexington Township  
VALENTINO of Saco  
PATRICK of Rumford  
TUTTLE of Sanford  
HOTHAM of Dixfield  
MOORE of Standish  
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

BLANCHETTE of Bangor

**READ.**

Representative BLANCHETTE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I moved the Ought Not to Pass Report as a courtesy to my Chair of Legal and Vet's because he was out of the chamber at the time. You will notice before you that I am the only one who has voted Ought to Pass on this bill. Let me give you a brief history, I don't want to bore you, nor do I want to delay you from your lunch because everybody gets testy at that point.

This is the 10th time that this bill has been before this Legislature. Mr. Wolley was illegally and falsely terminated as a state employee. He was, at one point in time after they went through system and court system, reinstated as a state employee. In the mean time Mr. Wolley and his wife had taken \$28,000 of their retirement money and spent it on legal fees. Now \$28,000 to those of you that have an income of a million or more doesn't sound like much, but you know, when you are a state employee and you have retired, \$28,000 means making the difference between filling up your oil tank one time when the oil man comes or paying your light bill on time so that you don't accrue interest on that unpaid balance.

Mr. Wolley is not asking for anything that he is not entitled to. In the last few years we have had the horrible, horrible problem of having to deal with the Enron situation and many other companies that have, in fact, with all deliberate intent robbed their employees of their retirement fund. Well, this is not to that

magnitude, but you know that it hurts Bill Wolley and his family ever bit as much.

Twenty-Eight thousand dollars for a man that is in his '70s and trying to survive day by day, that the State of Maine stole from him, if you want be blunt about it. I have been fighting for the five years that I have been in this legislature to get this man and his wife awarded the \$28,000 that we illegally took from him.

He would not have had to expend this money on legal fees to be reinstated as an employee if we had followed our own guidelines in personnel within the State of Maine. Although I moved the Majority Ought Not to Pass Report I am going to ask you to follow my light and defeat it and let's put this to bed. It costs \$10,000 a bill every time that we introduce this before a legislature. This is the tenth time Ladies and Gentlemen. How many more times are we going to do this before we can say, "We are sorry, we made a mistake. Enjoy your retirement Mr. Wolley." Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The first thing that I am going to say is that I believe that the last time this bill came through the House I actually voted in favor of it. I believe I shouldn't have then and I am not going to now. Some of the cases that we have before us in Legal and Veteran's Affairs – the suits against the state – you have to reach a certain threshold and I don't believe that this case actually comes close to it.

Mr. Wolley has already received compensation for his termination of employment from Maine State Lottery in 1984 and he was reinstated with full back pay and benefits. Criminal proceedings for theft from the Maine State Lottery were initiated stemming from the same work practices that lead to the termination of his employment. Mr. Wolley seeks with this bill compensation for the expenses incurred by him in a separate criminal proceeding in which he was indicted by a grand jury for theft from the Maine State Lottery, upon findings that there was probable cause to believe he was guilty of the fact. However, the AG's office declined to prosecute the case because of evidentiary issues.

To award Mr. Wolley or any other criminal defendant litigation expenses merely because he was not convicted would set an alarming precedent. Mr. Wolley's prior attempts to be reimbursed by the state for his criminal defense have been rejected by the legislature. Last year we did pass it but it died on the appropriations table. You'll probably have several cases coming before you and those, like this one, I don't believe meet the criteria for a suit against the state and I would ask you to accept the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes, Mr. Wolley was reinstated and paid all of his back pay and that is wonderful. Thank you to the State of Maine for being a gracious employer, but he spent \$28,000 of his money needlessly for legal fees. He shouldn't have had to do that. If they had followed their own procedures and their own practices it never would have amounted to that amount. Mr. Speaker when the vote is taken I am going to ask for the yeas and nays.

Representative Blanchette **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.



The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To anyone on the committee who heard this matter or is familiar with the bill could you please tell me how much of Mr. Wolley's legal bill was devoted to time spent by his attorneys fighting for the termination and his reinstatement and how much was accrued in his criminal defense? I would appreciate knowing that if I could. Thank you.

The SPEAKER: The Representative from Bath, Representative Watson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe the monies, which he is trying to recoup, are all monies related to his legal fees and none in regards to his termination.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 202**

YEA - Adams, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Carr, Cebra, Churchill, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Davis G, Davis K, Duchesne, Dudley, Duprey, Eberle, Edgecomb, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lansley, Lerman, Lewin, Makas, Marean, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Ott, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Seavey, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Blanchette, Campbell, Canavan, Clark, Crosby, Dugay, Dunn, Duplessie, Eder, Emery, Faircloth, Gerzofsky, Grose, Hutton, Joy, Lindell, Lundeen, McFadden, Norton, O'Brien, Paradis, Pilon, Rines, Sherman, Shields, Thomas, Twomey.

ABSENT - Daigle, Driscoll, Marley, Moore G, Plummer, Schatz.

Yes, 117; No, 28; Absent, 6; Excused, 0.

117 having voted in the affirmative and 28 voted in the negative, with 6 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

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By unanimous consent, all matters having been acted upon were ORDERED SENT FORTHWITH.

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The House recessed until 5:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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The following items were taken up out of order by unanimous consent:

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 47) (L.D. 51) Resolve, To Encourage Parents To Choose To Dedicate a Portion of Child Support Payments to College Investment Accounts Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-495)

(H.P. 454) (L.D. 621) Bill "An Act Regarding Divorce and Marital Property" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-496)

(H.P. 460) (L.D. 627) Bill "An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-497)

(H.P. 866) (L.D. 1248) Bill "An Act Regarding the Initiation of Cases of Murder and Class A, B and C Crimes in Superior Court by Complaint" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-498)

(H.P. 973) (L.D. 1409) Bill "An Act To Assist in the Investigation and Prosecution of Theft Offenses" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-499)

(H.P. 1054) (L.D. 1502) Bill "An Act To Implement Recommendations of the Family Law Advisory Commission" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-500)

(H.P. 1105) (L.D. 1567) Bill "An Act To Amend the Uniform Health-care Decisions Act Concerning Personal Representatives under Federal Law" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (H-501)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were PASSED TO BE ENGROSSED as Amended and sent for concurrence. ORDERED SENT FORTHWITH.

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In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 621) (L.D. 870) Bill "An Act To Increase Access to Information Regarding Referendum Questions" Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-505)

(H.P. 886) (L.D. 1289) Bill "An Act Allowing Liquor Tasting Events" Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-506)

(H.P. 1036) (L.D. 1473) Bill "An Act To Strengthen the Animal Welfare Laws" Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass as Amended by Committee Amendment "A" (H-502)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were PASSED TO BE ENGROSSED as Amended and sent for concurrence. ORDERED SENT FORTHWITH.



In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 419) (L.D. 564) Bill "An Act To Amend the Laws Governing the Student Code of Conduct" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-333)**

(H.P. 1174) (L.D. 1665) Resolve, Regarding Legislative Review of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-509)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 1058) (L.D. 1513) Bill "An Act To Require Coordinated Early Childhood Care and Preschool Education in Maine" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-507)**

On motion of Representative TARDY of Newport, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Unanimous Committee Report and later today assigned.

#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-510)** on Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1127) (L.D. 1591)

Signed:

Senators:

BARTLETT of Cumberland

COWGER of Kennebec

WESTON of Waldo

Representatives:

BLISS of South Portland

FITTS of Pittsfield

BABBIDGE of Kennebunk

CURTIS of Madison

BRAUTIGAM of Falmouth

FLETCHER of Winslow

ADAMS of Portland

RICHARDSON of Skowhegan

RINES of Wiscasset

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-511)** on same Resolve.

Signed:

Representative:

McLEOD of Lee

**READ.**

On motion of Representative BLISS of South Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-510)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 26, 2005.

#### ENACTORS

##### Emergency Measure

An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals

(H.P. 1121) (L.D. 1585)

(C. "A" H-440)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative TUTTLE of Sanford **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Could anybody actually tell us what this bill does, maybe the Chairman of the committee?

The **SPEAKER**: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Woodbury.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. For many years it has not been a common practice for Maine Revenue Services to collect sales tax on prescriptions used for veterinary purposes. They reinterpreted the law on this issue and now, going forward want to impose a tax on prescriptions for veterinary purposes. This bill just prevents them from collecting that tax retroactively. That is, they can collect this tax going forward but not retroactively. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative **HUTTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to clarify that we have always charged a tax on prescription drugs for animals. Most of the vets knew this and did this. There was some confusion that some vets didn't charge that should have. One particular business that was set up just for prescription drugs for animals didn't charge the tax, so this is to try and make everybody hold to go forward where nobody is penalized because of a question of whether there was a tax or wasn't a tax. So, we are just trying to go forward.

Subsequently, Representative **TUTTLE** of Sanford **WITHDREW** his request for a roll call on **PASSAGE TO BE ENACTED**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection

(H.P. 458) (L.D. 625)  
(C. "A" H-446)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset

(H.P. 1120) (L.D. 1584)  
(C. "A" H-441)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act Regarding the Management and Use of Sears Island

(H.P. 202) (L.D. 277)  
(C. "A" H-439)

An Act To Require the Fair Application of the Mechanic's Lien Law

(S.P. 178) (L.D. 570)  
(C. "A" S-230)

An Act To Protect Maine's Groundfishing Industry

(S.P. 205) (L.D. 650)

An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians

(S.P. 230) (L.D. 693)  
(C. "A" S-229)

An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans

(H.P. 818) (L.D. 1189)  
(C. "A" H-452)

An Act To Sustain Maine Schools and Libraries

(S.P. 439) (L.D. 1259)  
(S. "A" S-201 to C. "A" S-116)

An Act Regarding Criminal Use of an Electronic Weapon

(H.P. 868) (L.D. 1271)  
(C. "A" H-449)

An Act To Encourage Long-term Holding of Maine Timberland and Sustainable Forest Management

(H.P. 902) (L.D. 1305)  
(C. "A" H-403)

An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing

(S.P. 467) (L.D. 1340)  
(C. "A" S-216)

An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers

(S.P. 469) (L.D. 1342)  
(C. "A" S-227)

An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity

(H.P. 1062) (L.D. 1517)  
(C. "A" H-448)

An Act To Assist Towns with the Implementation of the Laws Governing Growth Management

(S.P. 551) (L.D. 1574)  
(C. "A" S-221)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolves**

Resolve, Directing the Secretary of State To Design a Pilot Program for Early Voting

(S.P. 401) (L.D. 1173)  
(C. "A" S-225)

Resolve, To Establish the Study Commission Regarding Liveable Wages

(H.P. 854) (L.D. 1236)  
(S. "A" S-213 to C. "A" H-232)

Resolve, To Evaluate the Possibility of a Moose Hunt in Southern Maine

(H.P. 911) (L.D. 1313)  
(C. "A" H-450)

Resolve, To Ensure Proper Handling by the E-9-1-1 System of Calls Made by Persons Who Are Deaf, Hard-of-hearing or Speech-impaired

(S.P. 594) (L.D. 1612)  
(C. "A" S-228)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve, To Establish the Committee To Study the Establishment of a Memorial for Emergency Medical Services Personnel and To Set Aside Space for That Memorial

(S.P. 516) (L.D. 1498)  
(C. "A" S-222)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

On further motion of the same Representative, the Resolve was placed on the Special Study Table pursuant to Joint Rule 353 pending **FINAL PASSAGE**.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, Authorizing Karen Davis To Sue the State

(S.P. 397) (L.D. 1133)

Signed:

Senators:

PLOWMAN of Penobscot  
MITCHELL of Kennebec  
GAGNON of Kennebec

Representatives:

FISHER of Brewer  
OTT of York  
PINKHAM of Lexington Township

VALENTINO of Saco  
PATRICK of Rumford  
HOTHAM of Dixfield  
MOORE of Standish  
BLANCHETTE of Bangor  
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-251)** on same Resolve.

Signed:

Representative:

TUTTLE of Sanford

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TUTTLE of Sanford moved that the Resolve and all accompanying papers be **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Representative BARSTOW of Gorham **REQUESTED** a roll call on the motion to **COMMIT** the Resolve and all accompanying papers be to the Committee on **LEGAL AND VETERANS AFFAIRS**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, the reason why I asked to commit this bill back to committee is that I would be asking the body for the courtesy to send it back to committee based upon new information I received today of a personal nature and that I think is something best discussed in the committee in private. I have been involved in these cases over the years. They are very difficult cases and I am just asking for the courtesy of the body to allow me to recommit based upon new information that I have been given. I think that these cases can really be very difficult and I am asking for the courtesy of the body in doing this. Thank you.

Subsequently, the same Representative **WITHDREW** his **REQUEST** for a roll call on the motion to **COMMIT** the Resolve and all accompanying papers be to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Representative TUTTLE of Sanford **WITHDREW** his motion to **COMMIT** the Resolve and all accompanying papers be to the Committee on **LEGAL AND VETERANS AFFAIRS**.

On further motion of the same Representative, **TABLED** pending the motion of Representative PATRICK of Rumford to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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## SENATE PAPERS

### Non-Concurrent Matter

Bill "An Act To Improve the Efficiency of the Legislature"

(H.P. 567) (L.D. 802)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447)** in the House on May 24, 2005.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Abstinence To Be Offered as an Alternative Education Program for Grades 7 to 12"

(S.P. 605) (L.D. 1639)

Signed:

Senators:

MITCHELL of Kennebec  
SCHNEIDER of Penobscot  
TURNER of Cumberland

Representatives:

NORTON of Bangor  
FINCH of Fairfield  
GOLDMAN of Cape Elizabeth  
MAKAS of Lewiston  
CAIN of Orono  
MERRILL of Appleton

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

DAVIS of Falmouth  
EDGEComb of Caribou  
STEDMAN of Hartland  
LANSLEY of Sabattus

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

Representative NORTON of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just in case people aren't aware of what this bill is I wanted to give you just a quick little synopsis. I think that the title of the bill is somewhat confusing and perhaps a more apt title would be something like, "An Act to Allow Abstinence as the Only Alternative Sex Education Program".

I want to remind you that accepting the federal monies that come with this program would preclude anything except abstinence being taught in the schools. We would not even have the opportunity to help students or answer questions about alternatives or any problem that a student might be having.

I think you have got several pieces of literature across your desk and I would urge you to take a quick look at those and I would remind you that in Maine, family life education has been an essential component of Maine's health education for many decades. In 1984, as a part of the education reform this state did pass the K - 12 Comprehensive School Health Mandate, which included family life education as one of the essential content areas and made high school health education courses a graduation requirement.

However, I will again remind you, as I did the other night that parents do have the right to opt their children out of any part of the family life education program that they so desire. I would again remind you, as I did the other night that there were many opponents to this bill. Some of them were DOE, the Maine Medical Association, Family Planning Association, Maine Civil Liberties Union, Equality Maine, Maine Women's Lobby, Maine Public Health Association, Maine Aids Alliance, Planned

Parenthood, the Bureau of Health, the Department of Health and Human Services, HIV Advisory Committee and so on and so on and so on. So, please follow my light on this bill. Thank you.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 203**

YEA - Adams, Annis, Ash, Babbidge, Barstow, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Canavan, Collins, Craven, Cummings, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, Merrill, Miller, Mills, Moore G, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson E, Richardson W, Rines, Robinson, Smith N, Smith W, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Bowles, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McFadden, McKane, McKenney, Millett, Moody, Moulton, Ott, Pinkham, Rosen, Saviello, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Tuttle, Vaughan.

ABSENT - Daigle, Driscoll, Dugay, Greeley, McLeod, Richardson D, Richardson M, Sampson, Schatz, Thomas.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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The following items were taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-404)** - Committee on **TAXATION** on Bill "An Act To Exempt Unemployment Benefits from State Income Tax" (EMERGENCY)

(H.P. 255) (L.D. 332)

TABLED - May 19, 2005 (Till Later Today) by Representative WOODBURY of Yarmouth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative CLARK of Millinocket moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Minority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 204**

YEA - Adams, Annis, Ash, Babbidge, Blanchard, Bliss, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Collins, Craven, Cressey, Cummings, Davis G, Duchesne, Dugay, Dunn, Duplessie, Eberle, Edgecomb, Faircloth, Farrington, Fletcher, Flood, Gerzofsky, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Koffman, Lerman, Lindell, Lundeen, Makas, Marley, McKenney, Merrill, Miller, Moore G, Muse, Norton, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Piotti, Richardson W, Rines, Sherman, Thomas, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler.

NAY - Austin, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchette, Bowen, Bowles, Brannigan, Browne W, Bryant-Deschenes, Cebra, Churchill, Clough, Crosby, Crosthwaite, Curley, Curtis, Davis K, Dudley, Duprey, Eder, Emery, Finch, Fischer, Fitts, Glynn, Goldman, Hall, Hamper, Hanley B, Jodrey, Kaelin, Lansley, Lewin, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, Millett, Mills, Moody, Moulton, Nass, Nutting, Ott, Pelletier-Simpson, Perry, Pinkham, Plummer, Rector, Richardson E, Robinson, Rosen, Saviello, Seavey, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Woodbury.

ABSENT - Daigle, Driscoll, Fisher, Greeley, McLeod, Richardson D, Richardson M, Sampson, Schatz, Mr. Speaker.

Yes, 74; No, 67; Absent, 10; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 10 being absent, and accordingly Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-404)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-404)** and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass** - Minority (6) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work

(H.P. 987) (L.D. 1423)

TABLED - May 24, 2005 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS** Report.

Representative **RECTOR** of Thomaston **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought To Pass Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is an interesting proposal that came to us. Obviously, we have all hired carpenters to do odd jobs around our house and you will find that there is the occasional outlet in the way or a pipe that needs to be moved or a sink that needs to be reinstalled and it doesn't necessarily seem logical that that same carpenter who is doing the other work not be able to also do the plumbing or electrical work, but I think that we have to remember that the Plumber's Examining Board and the Electrician's Board both set minimum standards of competency for those jobs. It is not maximum standards; it is not the most sophisticated standards. We are not requiring PhDs. We have set minimum standards that we assume need to be established and need to be accomplished in order to protect the health and safety of the public and for that reason I would urge you to defeat this motion and move on to the Ought Not to Pass report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, half of this problem has already been solved by the community college system. As it turns out they have already established a limited license for the electrical work to which I am trying to solve the problem of. So, the only other area that we need to pay attention to is plumbing and all I am asking is that the community college system and the licensing boards sit down with other interested parties – they may be plumbers and electricians.

There is no fiscal note. Everybody seems to be willing to do this and all we need to do is sit down and identify whether or not there is a problem. My constituents tell me that there is a problem. They tell me that, in the free market, the provision of services to them from the electrical and plumbing trades is lacking and all I am asking is that we sit down and review that problem and see if there is not a viable solution to it. Again, there is no cost and those that are interested in this are willing to participate. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You all know me and my life is a Republican legislator. But, I had another life before I came here and before I retired.

I was a plant superintendent at printing company and I worked my way up, wore a blue shirt and belonged to the union and I believe that when he talks about the community college I believe he should have confided in the electrician's union and in the plumber's union and the AFL-CIO. He claims to be a carpenter, I wonder if he is a union carpenter or if he is not a union carpenter because, if he were a union carpenter, he wouldn't be treading on the plumbers and the electricians. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The very, very first thing I did before submitting this language was to go to the AFL-CIO. I asked them if they had any issues with this. They did not.

They do not. If they have then they haven't expressed them to me and I see them every day out here in the halls and they still haven't expressed a problem. This does not interfere with labor unions and it certainly doesn't undermine the apprentice programs at the community colleges for either of these programs, plumbing or electrical.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a licensed master electrician and I have been for about 25 years. In 1980 I got my license. It takes a lot of work just to keep up with your license and keep it up to date. Every couple of years I have to do a code up date. The code changes constantly; it is a dynamic entity and it is about four times as thick as the state budget. There is a lot going on in there. It is produced by the National Protection Agency. That is who produces that code. They are worried about fires specifically.

It is very difficult to do just part of an electrical installation. You have to consider a lot of different code articles for any particular electrical installation. Just to become a licensed master electrician in this state now you need 576 hours in the classroom and you need 12,000 hours under another electrician of experience. Now, I don't know how we could do this just by some kind of a course at school. I don't think we can give that kind of experience.

This has also been brought up as a labor issue and I am very surprised that the AFL-CIO isn't concerned about this cross trading. One of the reasons against cross trading – there are many and some I agree with and some I don't – is because you don't get a quality job and you don't get a job that is safe. When an electrician or a plumber pulls up to your house to do the work he has a full compliment of the right tools, the right test equipment and the right materials for the job, and there are a lot of materials and the amount of materials, knowledge and test equipment that you need keeps expanding.

I think we would be setting a dangerous precedent here and, again, I want to say that it is the National Fire Protection Agency that makes the National Electric Code and any of you who are professionals out there – whether you are an attorney, a doctor or a nurse – would you want to give away part of that? Would you think it was safe without someone becoming fully licensed in that profession. I doubt it.

I know how to do plumbing. I have worked with plumbers throughout my entire career, but I don't do my own plumbing because I know that the guy who does it everyday has all the right tools, all the right knowledge and has kept up with the codes constantly. He has the tools and test equipment and is going to do a better job than I could and would ultimately save me money. I would ask you to defeat this bill. I don't think it is good precedent. There might be a way to look at it in the future. Thanks a lot.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I still don't know if my good friend is a union carpenter or not, but I think that the electrical union should be consulted and that the plumber's union should be consulted in this matter and I ask for Indefinite Postponement.

Representative **CAMPBELL** of Newfield moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative BURNS of Berwick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Burns. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? The Chair hears no objection, the Representative may proceed.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In answer to the good Representative on the other side of the isle, or from the other party, I am a former member of the International Longshoremens' Association. I am not a member of the Carpenters Union and I would also like to speak to the requirements of the already existing limited license. So, we don't have to vote for that, but there is already a limited license offered by the State of Maine and by the community college that calls for 225 hours of electrical education and 4,000 hours of apprenticeship. So, the only issue is if the state has determined if there is a need for a limited license for electrical work then it may be possible that there is a limited license necessary for plumbing. Again, all we are asking is that these people sit down and determine whether or not there is a problem.

The people who are proposing the solution are the very people who already hold licenses in these trades. Union members are welcome to participate in this group if that is what they choose to do and the community college is willing to work this out so all that we have to do is vote yea and let this go to the people who can determine what an appropriate solution is to the problem. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have heard from the electricians and we have heard from the unions, how about the people folks? Anyone in this House ever had a broken pipe on a cold winter day in the middle of January on a weekend. Have you ever tried to get a plumber out to fix it? You will call them up and they will tell you that it is going to be five days before they can come out and fix that broken pipe because they are busy. They got bigger jobs to do than fixing broken pipes. They are working on housing projects; they are working on building new government office facilities. The fact of the matter is that plumbers and electricians are in short supply. Licensing is difficult to obtain and master electricians and master plumbers are indeed masters of their trade. The know everything about it, but the fact is the homeowner wants a small job done, has no option other than to do it themselves or to get on the waiting list. This, Mr. Speaker, will finally give consumers another option and it is just an option. If you have got a small job that you want done by somebody who is certified and competent in doing it, you can now maybe have that option, if this working committee comes out with some good proposed legislation. Again, this is just a Resolve, so nobody's jobs are at risk here. This is not an attack on the unions; this is not an attack on the trades. This is simply a measure that might give consumers a little more choice.

If it were a safety issue you would be forbidden from working on the electrical system in your own house and you would be forbidden from working on your own pipes in your house. Heck, I know I am a lot less qualified than somebody who gets a certification from a community college to do electrical work. I can be sure of that. So, Mr. Speaker I urge the members to vote

against the motion for Indefinite Postponement and that they then go on to approve this legislation. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Frankfort, Representative Lindell just spelled it out very clearly for you. I would recommend that everyone please vote against the pending motion so that we can get back to the main motion that is a very minor thing, it is just a resolve, as the Representative just pointed out to you. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I respect everything that my good friend and colleague the Representative from Frankfort had to say, but I would like to ask him if doctors were in short supply would we lower the bar to have them perform operations on us. I don't think so. Again, I want to remind him that the National Electrical Code is written by the National Fire Protection Agency and do you think that if we let unqualified – by today's standards – people perform this work will there be more or less fires in the state? Again, limited masters license for homes are available, but you have to work under a master for 4,000 hours, you need a lot of experience in the electrical trades to be able to work on anyone's home and you need several hundred hours in the classroom. So, it is not just a quick thing. This is not what this is asking. This is asking for a fairly quick and easy course. I think it is just dangerous for the state to set this precedent because the next thing will be a doctor. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to ask my good colleague Mr. Lindell - who is supposedly a financial advisor - if he would pick a tenth grader to figure out his problems financially or would he go to a financial advisor?

The **SPEAKER**: The Representative from Newfield, Representative Campbell has posed a question through the Chair to the Representative from Frankfort, Representative Lindell. The Chair recognizes that Representative.

Representative **LINDELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will refrain from getting into a long discussion of the various classifications of securities licenses that exist, but let it suffice to say that I have a series 7 and a series 24 and yes you can buy mutual funds from someone with a series six.

As to the question from the good Representative from Newcastle, Representative McKane, I really enjoy my nurse practitioner that I do some medical work with and she is able to prescribe medications, she is very talented at her job, but she is not a fully licensed physician. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Jacobson.

Representative **JACOBSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wonder how much common sense any of us have left here. How many have changed a light bulb? How many have changed a light switch? How many have changed a sink or a faucet or put a new ring on the toilet?

This is for handymen that go around helping older people with those simple things. It is not a major problem. It is things that most of us have done, both men and women. A little bit of training would make them that much better. People are doing it now. Handymen are doing these things now. Carpenters are doing it now. They are moving a light switch or an outlet, Simple things. These people, with a little bit of training, would have the common sense if there is a problem to get a plumber or to get an electrician. They do the simple jobs. This is to save people money. It is to save senior citizens money. It is to add a little common sense to the laws we now have in the regulations. I don't see the big problem. I think that we all ought to think a little and vote the right way.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to comment. I don't think a caucus is going to help us tonight.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 205**

YEA - Austin, Berube, Bierman, Bowles, Campbell, Clough, Cresse, Curley, Fletcher, Hall, Lansley, Lewin, Nass, Nutting, Pinkham, Rector, Richardson W, Tardy.

NAY - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Canavan, Carr, Cebra, Churchill, Clark, Collins, Craven, Crosby, Crosthwaite, Cummings, Curtis, Davis G, Davis K, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Flood, Gerzofsky, Glynn, Goldman, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson E, Rines, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Daigle, Driscoll, Greeley, McLeod, Richardson D, Richardson M, Sampson, Schatz.

Yes, 18; No, 125; Absent, 8; Excused, 0.

18 having voted in the affirmative and 125 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers **FAILED**.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 206**

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Canavan, Carr, Churchill, Clark, Craven, Crosby, Cummings, Curtis, Davis G, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Koffman, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Moulton, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson E, Rines, Saviello, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Berube, Bierman, Bowen, Bowles, Brown R, Campbell, Cebra, Clough, Collins, Cresse, Crosthwaite, Curley, Davis K, Emery, Flood, Hotham, Jodrey, Joy, Lansley, McCormick, McFadden, McKane, McKenney, Millett, Moore G, Nass, Nutting, Ott, Pinkham, Rector, Richardson W, Robinson, Rosen, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Daigle, Driscoll, Greeley, McLeod, Richardson D, Richardson M, Sampson, Schatz.

Yes, 105; No, 38; Absent, 8; Excused, 0.

105 having voted in the affirmative and 38 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass Report** was **ACCEPTED**.

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 26, 2005.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-465)** - Committee on **JUDICIARY** on Bill "An Act To Amend the Land Use Regulation Laws"

(H.P. 488) (L.D. 668)

TABLED - May 24, 2005 (Till Later Today) by Representative **PELLETIER-SIMPSON** of Auburn.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS Report**.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This, as it says, is a land use bill. This bill allows a landowner whose land has been diminished by environmental rules and regulations or other restrictions two options. One option is to opt out of those rules and regs and the other option is to receive money equal to the diminishment of value. This may sound rather odd, but this is passed in this country and I believe in Washington State. There might be some people behind me that can talk to it, but a people's referendum in Washington State has this on the books as operating on to this principle. So, I think the time may not be now, but I think that we should look at environmental rules that diminish the value of property in this state. I would let others speak to it if they wish to and I would ask for a roll call.

Representative **SHERMAN** of Hodgdon **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass Report**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.



The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With all do respect to the efforts of the good Representative from Hodgdon, it is Oregon, not Washington, but they are very close together and both of them have been beset by over-regulation through zoning, land use laws etc, etc and various efforts by the environmental groups to shut down the use of the land and to restrict the owner's ability to use that land. Two years ago some people in Oregon, a family that had a farm and had kept it for years and wanted to use it as their retirement nest egg, when it came time to try and do something with that land suddenly found themselves hampered by all of the rules and regulations that had taken away the ability of them to use that land

What they did was to try every avenue that they could to get some type of relief and with no other recourse went out to the citizens initiative process and managed to get enough signatures and got that passed in Oregon.

What the bill does is that if the land use regulations are there and the individual makes a request then the state or municipality, which has put in place these particular laws have not paid them by the end of two years must provide an appeal process for the people and the governmental agency will have two choices. They can either pay the individual for the land or else they cannot enforce the laws and rules and regulations, which are restrictive. So, those are the two options that a landowner has when they find that all of their efforts to use the land have been taken away from them.

Maine is not far behind, as I indicated earlier these efforts have started on the west coast and have now moved to the east coast and it has been going on for quite number of years now, to take away the ability of landowners to use land under the guise of protecting the environment. Ladies and Gentlemen I hope that you will join with me and let the Legislature be the ones to set the terms and conditions for the use of your land and not having to have it come back through a citizens referendum. You are looking at this, it is going to be a very short time before that happens and I might even be interested in starting the referendum myself. I urge you to defeat the pending motion and accept the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Majority Ought Not to Pass Report.

First, I want to commend Representative Joy. He is someone who is thoughtful and always well intentioned on these issues, but I want to lay out a situation as this legislation would operate with regard to how it is written here in the state of Maine. Let's just take, hypothetically, 90 years ago. May 25, 1915, which I understand is the birth date of my seatmate. Let's say that on that May 25, 1915 Grandpa Harlow bought a farm and also had a back 40 with that farm. That was in 1915, then in 1940 there was a town meeting in his community in Maine and that town meeting, through the decisions of the folks in that town created some form of residential zoning for that area in which that farm and field are set. Then, in 1990 Grandpa Harlow passes away, my seatmate is only 75 at that point and he gives the property to him in his will. That is in 1990. Then, after passage of this law hypothetically, in 2005 that means that our Mr. Harlow could sue the state. Why could he sue the state? He could sue and say that because they had this zoning ordinance that passed in 1940 that he didn't have the use of it that he might have had if it were a factory or a liquor store or at this point a mall and would require compensation

based upon that value, even though it has been a residential area since 1940.

I submit respectfully, even to my friends on the other side of the isle that there are Republican principles that might find this type of legislation objectionable. One, it is anti-democratic and it is anti-local control. If you believe in those values of local control – they passed that ordinance back in 1940 – it doesn't make a whole heck of alot of sense to say that that zoning ordinance is something that could be overturned. Second, it's a mandate on the localities and the Office of Fiscal and pProgram Review says so, not me. I would also note that they say it is a significant cost to localities, which it is my understanding, Mr. Speaker, means that there might have to be a two-thirds preamble on this legislation. Third, it is the litigation bill of all time and, according to the Attorney General, would create an avalanche of litigation. Fourth, if you are concerned about bureaucracy think of the bureaucracy this bill creates because you would have one house, let's say the Harlow home, that would only have to obey zoning laws before 1915, then next door, perhaps they would have to obey the zoning laws before 1980 and then another house next door would only have to obey the zoning laws before the year 2000 and so on and so forth down the street. That would create a bureaucratic nightmare of mega proportions and also violate equal protection, thus I support the Ought Not to Pass Report. Thank you Men and Women of the House.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative MILLS: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The question I pose is this: that this bill or some form of it has seemed to come up year after year after year and my recollection is that some form of it was instituted in our laws some years ago and we now have on the books somewhere a process for compensation and redress on behalf of people for whom the substantial value of their land has been diminished by the act of a municipality or state and I am wondering, to whomever can answer the question, what is it that we have on the books now that addresses this situation that might be less honerous than the litigious piece of legislation that we have in front of us now?

The SPEAKER: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes there is a mediation process if there are regulations that take away the value of your land.

One of the problems that we run into is that anytime that we go into a mediation process you have already lost. The landowner never wins in a mediation process. And, with regard to the comment by the good Representative from Bangor, Representative Faircloth about the avalanche of lawsuits that this might engender I would suggest that if it is going to bring about an avalanche of lawsuits just think of the restrictions that we have already placed upon peoples property! Thank you.



The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Pelletier-Simpson.

Representative **PELLETIER-SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The Land Use Mediation Program, which has been referred to was established in 1996 and while my good friend from the other side of the aisle said that once you go to mediation the land owner loses, in 2003 there were two such mediations and in 2004 one, and all were settled. There is definitely not a problem large enough to warrant undoing all environmental regulations and all zoning in your cities that prevents people from building factories next to schools. I hope everyone would join me in supporting the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In my reading of history the founding fathers were very careful to balance public rights, the rights of the public to be protected for health, safety and welfare and for them to be looked at by government, local, state and national versus property rights. They were particularly biased in those days towards property rights and they were afraid of the king and the legacy of the king taking private property away without compensation and that is why they put the fifth and fourteenth amendments into the Constitution, but they recognized that to be a delicate balance to overly favor property rights. To be overly generous to property rights to the exclusion of public safety and welfare would be damaging to civil society and it would be damaging to our economy. It would hurt other economic interests and other property rights. So, they tried to strike a balance

This legislation is way out of balance and I would propose that anytime a municipality or the state enacted an ordinance to protect the public good, to protect against a nuisance. We find ourselves handcuffed, paralyzed to protect the public good. It would be far too expensive to do so under legislation like this. I really move the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative **BRYANT-DESCHENES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having listened to the comments that were just made by the good Representative on the other side of the aisle, I would like to direct his attention to page two, which gives you a list of exemptions that are exempted from this section of land use regulations that restrict or prohibit activities recognized as public nuisances under the common law, protect public health and safety, such as fire, life, building codes, health and sanitation, solid and hazardous waste regulations and pollution control regulations. So, that is addressed in this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 207**

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Curley, Davis G, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Kaelin, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McKane, Merrill, Miller, Mills, Moody, Moulton, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree,

Piotti, Plummer, Rector, Rines, Rosen, Saviello, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Davis K, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKenney, Millett, Moore G, Nass, Nutting, Ott, Pinkham, Richardson E, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Daigle, Driscoll, Greeley, McLeod, Richardson D, Richardson M, Sampson, Schatz.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-518)** on Bill "An Act To Amend the Electronic Insurance Cancellation Notification Law" (EMERGENCY)

(H.P. 467) (L.D. 634)

Signed:

Senators:

DAMON of Hancock

SAVAGE of Knox

Representatives:

MARLEY of Portland

PARADIS of Frenchville

HOGAN of Old Orchard Beach

McKENNEY of Cumberland

COLLINS of Wells

THOMAS of Ripley

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-519)** on same Bill.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

FISHER of Brewer

SAMPSON of Auburn

MAZUREK of Rockland

BROWNE of Vassalboro

**READ.**

On motion of Representative MARLEY of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-518)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 26, 2005.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Create a Nonprofit State-run Insurance Plan" (H.P. 1047) (L.D. 1490)

Signed:

Senators:

SULLIVAN of York  
MILLS of Somerset  
MAYO of Sagadahoc

Representatives:

McKANE of Newcastle  
LINDELL of Frankfort  
PILON of Saco  
VAUGHAN of Durham  
GLYNN of South Portland  
RICHARDSON of Warren  
MARRACHÉ of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-515)** on same Bill.

Signed:

Representatives:

PERRY of Calais  
BRAUTIGAM of Falmouth  
HARLOW of Portland

**READ.**

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 208**

**YEA** - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clark, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Davis G, Davis K, Duchesne, Dugay, Dunn, Duprey, Eberle, Edgcomb, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Lundeen, Makas, Marean, Marraché, McCormick, McFadden, McKane, McKenney, Merrill, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Pilon, Pinkham, Piotti, Plummer, Rector, Richardson E, Richardson W, Rines, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith N, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Adams, Brautigam, Cain, Canavan, Craven, Dudley, Duplessie, Eder, Faircloth, Gerzofsky, Hutton, Lerman, Marley, Mazurek, Miller, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pineau, Pingree, Smith W, Twomey, Walcott.

**ABSENT** - Berube, Clough, Daigle, Driscoll, Greeley, Jackson, McLeod, Richardson D, Richardson M, Sampson, Schatz, Vaughan.

Yes, 114; No, 25; Absent, 12; Excused, 0.

114 having voted in the affirmative and 25 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT** - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-409)** - Committee on **LABOR** on Bill "An Act To Modify Labor Laws with Regard to Minor Workers" (H.P. 865) (L.D. 1247)

**TABLED** - May 20, 2005 (Till Later Today) by Representative SMITH of Van Buren.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OUCHT NOT TO PASS** Report.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Hall.

Representative **HALL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill came to our committee and it was not a perfect bill and we did a great deal of work on it on our side of the aisle and we feel very strongly that if we can defeat the pending motion and get to the Minority Report you are going to see a very, very good bill.

Currently, the law allows someone to work up to 20 hours a week when they are under the age of 18. What this bill proposed to do was to allow them to work 35 hours a week as long as they maintained a C average. In the Minority Report we amend this to allow a student who maintains a B average to work 30 hours per week. Currently, a student can work at two different jobs and work up to 40 hours a week because he can work twenty at each job. So, what we ask you to do today is to please oppose the motion and vote no on this.

One thing that really, really discourages us about this bill is that a 17 year old may, in Maine, drop out of school. What we are saying is that if you are 17 and in school you can only work 20 hours a week. You can drop out of school and work 80. I don't believe we should be discouraging 17 year old kids who want to work to drop out of school. I don't believe that we should be treating a 17 year old kid who chooses not to be involved in extracurricular activities to be limited to 20 hours a week of working. A kid gets out of school at 2:00, goes to work by 2:30 and is done by 6:30, shows up at home by 7:00 has dinner, and if he is really ingenious he has a job in a mall or someplace where he sits behind a counter, waits on people and has all kinds of free time, gets his homework done while he is there and by 7:00 he is home having dinner and he has got the rest of the night off. Saturday and Sunday roll around he is not allowed to work anymore because he has put in 20 hours during the week.

What happens to him on the weekend? He goes out partying with his friends. I submit to you that if we let kids work a little bit more maybe they won't be in as much trouble. I know that certainly for me, when I was ingenious enough to get two different jobs and work 20 hours at one place and 15 hours someplace else I didn't have time to get in trouble, which was a good thing.

Many of these kids are trying to work very hard to save money for college and for us to not allow them to do that is just very, very inappropriate. Again, I urge you to vote no on this and Mr. Speaker; I do request a roll call.

Representative HALL of Holden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this proposed bill does is that it tries to change the balance that has already been struck in our state under our state laws for time to be allotted for education and time for the 16 and 17 year olds to work. The balance that has been struck in our legislation since, I believe 1991, is that 20 hours a week as a week for 16 and 17 year olds was appropriate. That is four hours a day, five days a week. This gives time for work, probably more than most kids would be able to do, but it also keeps, as a priority, the education for the children. Now there have been numerous studies all showing that the longer the children are going to be working, the less they are going to get out of their education. The State of Maine, in its 20-hour limitation has had quite considerable success. As testified to at the committee hearings, the results of Maine's law is reflected in Maine's consistent position as having one of the highest high school graduation rates in the country. If we want to see that the huge amounts we are spending on education are not wasted then we need to continue the laws, which limit the amount of time that these children can work.

What was interesting to me is that the major proponents of expanding the time that the 17 year olds could work were your inn keepers and your restaurant keepers, and yes maybe they do need more dishwashers and dishwashing time, but not at the expense of our children. I urge you to vote Ought Not to Pass and to continue placing a priority on education for our children. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 209**

**YEA** - Adams, Ash, Babbidge, Barstow, Beaudette, Berube, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Cebra, Clark, Craven, Crosby, Cummings, Curley, Davis G, Davis K, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson W, Rines, Rosen, Saviello, Shields, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Bierman, Bishop, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Duprey, Emery, Fitts, Fletcher, Flood, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McFadden, McKane, McKenney, Millett, Moore G, Moulton, Nutting, Ott, Pinkham, Plummer, Robinson, Seavey, Sherman, Stedman, Sykes, Tardy, Thomas, Vaughan.

**ABSENT** - Daigle, Driscoll, Greeley, McLeod, Richardson D, Richardson M, Sampson, Schatz.

Yes, 90; No, 53; Absent, 8; Excused, 0.

90 having voted in the affirmative and 53 voted in the negative, with 8 being absent, and accordingly the Majority

**Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Webster who wishes to address the House on the record.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to roll call number 190 on LD 1615, if I had been present I would have voted yea. In reference to roll call 191 LD 146, if I had been present I would have voted yea. In reference to roll call 192 LD 687, if I had been present I would have voted yea. In reference to roll call 193 on LD 699, if I had been present I would have voted yea. In reference to roll call number 194 LD 1092, if I had been present I would have voted yea and in reference to roll call 195 on LD 676, if I had been present I would have voted yea. In reference to roll call 196 LD 1015, if I had been present I would have voted yea and in reference to roll call number 197 LD 495, if I had been present I would have voted yea. Thank you for your patience. Thank you Mr. Speaker.

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On motion of Representative **WEBSTER** of Freeport, the House adjourned at 7:25 p.m., until 9:00 a.m., Thursday, May 26, 2005.